

**MINUTES**  
**CLAY COUNTY PLANNING COMMISSION MINUTES**  
**7:00 TUESDAY, JANUARY 25, 2022**  
**THIRD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

**Members Present:** Bill Davis, Steve Lindaas, Laura Johnson, Curt Stubstad, Steve Mortensen, Ezra Baer, Joel Hildebrandt

**Members Absent:** Jenny Mongeau, Andrea Koczur, Kurt Skjerven

**Others Present:** Adam Altenburg, David Kosturik, Michael Keith, Matt Jacobson, Erika Franck, Rita Rueckert, Brad Eldred, Brenda Andrews

**ROLL CALL:** Roll call was taken, and the meeting was called to order at 7:01 PM by Chair Bill Davis.

**APPROVAL OF AGENDA:**

**On motion by Ezra Baer, seconded by Steve Mortensen, and unanimously carried, the Agenda was approved.**

**APPROVAL OF MINUTES FROM DECEMBER 21, 2021 MEETING:**

**On motion by Ezra Baer, seconded by Steve Mortensen, and unanimously carried, the Planning Commission approved the December 21, 2021 Minutes.**

**CITIZENS TO BE HEARD:**

There were no citizens wanting to speak on any items not on the Agenda.

**PUBLIC HEARINGS:**

**NEXAMP SOLAR LLC – REQUEST TO AMEND A CONDITIONAL USE PERMIT**

The applicant is seeking approval to amend a conditional use permit approved on January 28<sup>th</sup>, 2020, to construct and operate a community solar garden on parcel 27.004.0401, in the East ½ of Section 4, Township 140 North, Range 46 West, Spring Prairie Township.

**On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission opened the public hearing.**

Matt Jacobson, Planning Director, stated that this is an amendment to a previously approved Conditional Use Permit. Nexamp is wanting to construct a 1-megawatt community solar garden. This has initially been approved and was then amended, and they are now asking for another amendment. Clay County Development Code states that construction must begin within 12 months of issuance of Permit. Nexamp-Spring Prairie Solar's current request is to extend the time frame for beginning construction. They are now asking for this permit to be valid for 3 years as there have been supply chain issues, work force issues and other items that have

delayed their ability to begin construction.

Ezra Baer asked if the decommissioning bond should run 6-30 years as the project has the ability for a life cycle of 30 years, and Director Matt Jacobson agreed that would be a good consideration.

David Kosturnik of Nexamp-Spring Prairie Solar asked to extend the deadline due to delays encountered for construction, as well as delays on the part of Excel Energy. Mr. Kosturnik had no issue with extending the decommissioning bond to 30 years, and he also felt that a 2025 deadline would be acceptable.

Staff recommendations include retaining the original permit conditions and also include condition #5:

1. Construction shall meet all County, State and Township building permit requirements;
2. Decommissioning bond is payable at \$1,000 for years 6-30 of the project;
3. Surety bond at 125% of the cost of establishing native plant cover on the project site;
4. Repair access and culvert to the site to specifications of Clay County Highway Department;
5. Use must be established by December 31, 2025 for permit to remain valid.

**On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission closed the public hearing.**

The Findings of Fact and Order were addressed and discussed by the Planning Commissioners as they pertain to the requested permit. All items can be addressed with conditions.

**On motion by Ezra Baer, seconded by Curt Stubstad, and unanimously carried, the Planning Commission *GRANTED* Amendment of the Conditional Use Permit with the following conditions:**

1. **Construction shall meet all County, State and Township building permit requirements;**
2. **Decommissioning bond is payable at \$1,000 for years 6-30 of the project;**
3. **Surety bond at 125% of the cost of establishing native plant cover on the project site;**
4. **Repair access and culvert to the site to specifications of Clay County Highway Department;**
5. **Use must be established by December 31, 2025 for permit to remain valid.**

#### **CLAY COUNTY DRAFT 2045 COMPREHENSIVE PLAN**

The Planning Commission will discuss and make recommendations on the draft 2045 Clay County Comprehensive Plan. Members of the public and plan stakeholders are invited to participate in person or virtually. The plan contains a variety of information on demographics, land use and identifies a vision, goals and objectives to guide future development and land use in Clay County.

**On motion by Ezra Baer, seconded by Steve Lindaas, and unanimously carried, the Planning Commission opened the public hearing.**

Matt Jacobson, Planning Director, advised the draft has been put out to the public for review, as well as other government entities, focus groups and stakeholders. There has been input from the city of Moorhead regarding their airport that will be included in the Plan. Ezra Baer advised that most of the Townships do not meet in January, and this may explain the absence of feedback from the Townships. Mr. Jacobson stated that waiting until after the Townships have an opportunity to meet and provide their feedback may be beneficial. There was an email sent to every Township Clerk that included a link to the Comprehensive Plan, as the size of the

document prevented it being emailed.

Adam Altenburg stated that there is a public comment form online but no comments have been received through that process. They have received input from the City of Moorhead that will be included before the draft goes to the Commissioners for approval. Mr. Altenburg asked if there were any comments or suggestions. Bill Davis asked if the page numbers could be included in the Index section and Mr. Altenburg stated that would be included.

The Plan has been split into 7 sections: Introduction, Community Profile, Vision, Land Uses, Transportation, Goals and Objectives, and Implementation. He advised that there was a fairly aggressive push for Community Engagement to obtain feedback on key issues. There were 319 respondents from the online survey. The Issues and Opportunities tag boards that were created during these Input sessions are available within the online information. The Vision statement was reviewed, as well as the 8 Goals and Objectives:

1. Community and Resilience
2. Housing
3. Land Use
4. Transportation
5. Agriculture
6. Natural Resources and the Environment
7. Economic Development
8. Intergovernmental Coordination

Matt Jacobson discussed some of the input received from the city of Moorhead, primarily regarding the area around the City of Moorhead airport. The land use section of the Comprehensive Plan will be updated to reflect the City of Moorhead's Comprehensive Plan of expanding the runway and airport safety zone.

Mr. Altenburg presented an example of an Implementation Guide that will be used, which includes the Plan Tool, Partner/Agency and Timeframe. He recommended that the Plan should be reviewed on an annual basis, and to think of the document as a living document and update it as necessary. The next Community Engagement event will be scheduled for February 22, 2022, with recommendation to be sent to the Board of Commissioners in March. This date was determined by following recommendations from Clay County Public Health Department and their future assessment of the Covid pandemic, as well as allowing enough time for the Townships to review and submit their input. If the Community Engagement event occurs on February 22<sup>nd</sup>, the Planning Commission can then review the information at their March 15<sup>th</sup> meeting and prepare a recommendation to forward to the Board of Commissioners.

Steve Lindaas asked what section Passenger Rail would fall into; there was discussion about All Aboard Minnesota and also the Hiawatha Trail. Mr. Altenburg stated that they will review the passenger rail services and include more of that information within the Transportation section.

Matt Jacobson asked that the Felton Prairie Stewardship Plan also be included.

**On motion by Steve Lindaas, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.**

**On motion by Steve Lindaas, seconded by Ezra Baer, and unanimously carried, the Planning Commission will have the Planning Commission Chair advise the Board of Commissioners Chair that Planning Commission will wait until the March 15, 2022 meeting for making recommendation to the Board of Commissioners on the Comprehensive Plan update.**

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

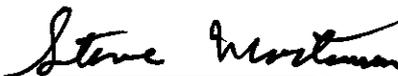
- Planning Commission opening – review applications. Director Matt Jacobson advised that there has been an applicant Brad Eldred for the Planning Commission position. Mr. Eldred was present at the meeting and introduced himself. He shared that he is currently residing in Hawley, he has previously been with the Hawley Fire Department and is currently on the Hawley City Council. He states he regularly attends meetings for the commitments he has. He is employed as an account manager/salesperson for RDO Equipment in Hawley.

**On motion by Ezra Baer, seconded by Joel Hildebrandt, and unanimously carried, the Planning Commission made a recommendation for approval to the Board of Commissioners to appoint Brad Eldred as a member of the Planning Commission.**

- Current Secretary Steve Mortensen advised he is moving out of the County. He shared that he has spoken with a person who is interested in pursuing the upcoming opening on the Planning Commission; this interested person has followed up with Director Jacobson. His last meeting will be March 2022.
- February meeting will include the election of officers. Chair Bill Davis will be completing his term in the fall of 2022.

**ADJOURNMENT:**

**On motion by Joel Hildebrandt, seconded by Steve Lindaas, and unanimously approved, the meeting adjourned at 8:17 PM.**



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Steve Mortensen, Planning Commission Secretary